

Appl. No. 09/883,659  
Amdt. Dated July 5, 2005  
Reply to Office action of April 5, 2005  
Attorney Docket No. P12689-US1  
EUS/JP/05-6111

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended Claims 1, 9, 19, 21 and 24; Claims 8 and 20 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1 - 7, 9 - 19 and 21 - 24 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 112**

The Examiner objected to Claims 9-18 under 35 U.S.C. § 112, second paragraph. More specifically, the Examiner stated that regarding Claim 9, the recited limitation "said identified behavior aggregate value" has insufficient antecedent basis. The Applicant sincerely appreciates the Examiner's remarks and has amended independent Claim 9 to overcome the Examiner's objection. A favorable reconsideration is therefore respectfully requested and submits that independent Claim 9 and its dependent Claims 10-19 are now in condition for allowance.

#### **4.) Allowable Subject Matter**

The Applicant notes with appreciation the conditional allowance of claims 2-8 and 20-24. As the Examiner has suggested, claims 8 and 20 have been rewritten in independent form including all limitation of the base claims and any intervening claims. More particularly, Claim 8 has been cancelled without prejudice and its limitations incorporated into now amended independent Claim 1. Similarly, Claim 20 has been cancelled without prejudice and its limitations incorporated into now amended independent Claim 19. Therefore no amendments have been made to narrow the scope of the pending claims or to create any sort of estoppel.

The remaining Claims depend from now allowable independent Claims 1 and 19 and recite further limitations in combination with the novel elements thereof.

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**5.) Prior Art Not Relied Upon**

In paragraph 5 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

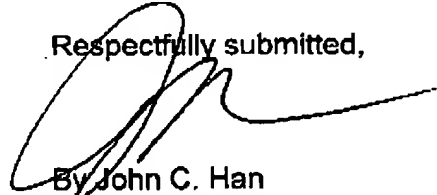
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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: July 5, 2005

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